

STATE OF IOWA
PROPERTY ASSESSMENT APPEAL BOARD

Jeanne M. Kipper,
Petitioner-Appellant.

v.

Plymouth County Board of Review,
Respondent-Appellee.

ORDER

Docket No. 11-75-0215
Parcel No. 12-16-403-002

On February 1, 2012, the above-captioned appeal came on for telephone hearing before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. The appellant, Jeanne M. Kipper, was self-represented and the appeal was to take place by telephone. The Plymouth County Board of Review designated County Attorney Darin Raymond as its representative. Bob Heyderhoff represented the Board of Review by telephone. The Appeal Board now having examined the entire record, heard the testimony, and being fully advised, finds:

Findings of Fact

Jeanne M. Kipper, owner of property located at 610 2nd Avenue, SE, LeMars, Iowa, appeals from the Plymouth County Board of Review decision reassessing her property. The real estate was classified residential for the January 1, 2011, assessment and valued at \$113,560; representing \$11,680 in land value and \$101,880 in dwelling value.

Kipper protested to the Board of Review on the ground that the property was assessed for more than authorized by law under Iowa Code section 441.37(1)(b). The Board of Review denied the protest.

Kipper then protested to this Board on the same ground. Kipper believes \$105,000 is the actual value and its fair market value. Kipper indicated she would rather participate in the hearing by

telephone than in person. The appeal was set for telephone hearing and both parties were given instructions on how to call and access the ICN conference line. On the day of the hearing Kipper did not call into the conference line. Assessor Bob Heyderhoff was able to complete his telephone call. Since Kipper did not participate, the hearing took place without her.

The subject property is a one-story, frame dwelling with 1388 square feet with a full, unfinished basement. The dwelling was built in 1961 and is in normal condition according to the property record card. The property has a 380 square-foot attached garage and the site consists of 0.147 acres.

On the petition to the Board of Review, Kipper stated the property was purchased in November 2010 for \$105,000. Kipper's petition stated this was a sale marketed to the general public and that she does not know the prior owner or any of the owner's relatives. She believes the purchase price is the property's fair market value and it is clear she did not feel she paid less than fair market value. The appeal form to this Board also references an appraisal completed by Kenneth L. Jacobsen of First Stop Appraisal in LeMars for the Kingsley State Bank completed November 15, 2010, just prior to the sale that concluded a value of \$106,000. Jacobsen commented that no special financing, loan, discounts, interest buy-down, or concessions were found for the subject property or comparable sales in market. Jacobsen identified three comparable sales of similar one-story dwellings within one-half mile of the subject property. Sales prices ranged from \$105,000 to \$110,000 with a median of \$106,009; or \$8.17 per square foot to \$96.15 per square foot with a median of \$89.29 per square foot.

Heyderhoff stated at hearing he would rely on the certified record and presented no additional evidence. In the record are five unadjusted sales Heyderhoff presented to the Board of Review. One of the five is the subject property. Another sale occurred after the January 1, 2011, assessment date. The remaining three sales were not adjusted. Excluding the sale occurring after the assessment date,

the sales prices range from \$105,000 (sale of subject) to \$151,000. Without details about the properties and without adjustments, we give this information little weight.

Also in the certified record is an undated letter from Heyderhoff to the Board of Review that indicates the subject sale to be a normal transaction. The letter further states that the sale of the subject property can be an indicator of market value but does not conclusively establish the value.

At the telephone hearing, Heyderhoff stated he was unaware of Kipper's appraisal. This Board sent a copy of the appraisal to Heyderhoff and gave him ten days to review and comment on the appraisal. Heyderhoff responded in a letter dated February 13, 2012. It does not appear that Heyderhoff sent his response to Kipper. Heyderhoff argued the appraisal "has serious shortcomings and should not be considered." He stated the appraisal was unreliable because it was done for financing purposes and valued the property as of November 15, 2010. He also believed the appraisal's adjustments were not supported and the appraiser improperly averaged the adjusted sales prices.

Reviewing all the evidence, we find the preponderance of the evidence does support Kipper's contention that the subject property is over-assessed. The appraisal valued the property as of November 15, 2010. This is close to the January 1, 2011, assessment date. While the appraisal was done for financing purposes and with knowledge of the potential sale amount, it was done to determine the fair market value of the property. The appraiser considered sales near the subject, verified the sales, and made quantifiable adjustments for comparison to the subject. The sales offer similar style, age, quality, condition and size. We find them to be reasonable comparables. The appraisal indicates all adjustments were found in the market from matched pairs. Taking into consideration both the subject sale and the appraisal, and considering the fact that the Board of Review's sales were unadjusted, we conclude the property is assessed for more than authorized by law. We, therefore, modify the value as determined by the Board of Review to \$106,000.

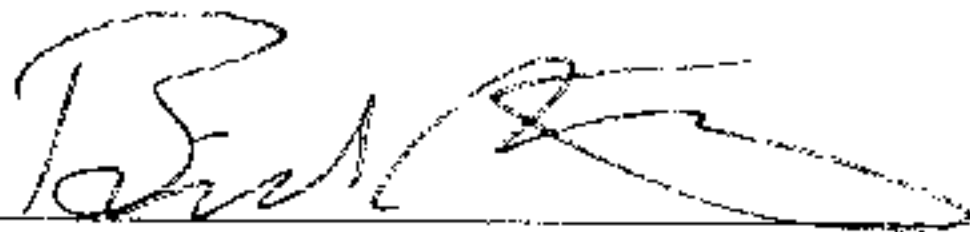
Board of Review, 759 N.W.2d 775, 783 (Iowa 2009). The Jacobsen appraisal supports the purchase price as indicative of fair market value.

Viewing the evidence as a whole, we conclude the preponderance of the evidence supports Kipper's claim of being over assessed as of January 1, 2011. The Appeal Board determines that the property assessment value as of January 1, 2011, is \$106,000: representing \$11,600 in land value and \$94,320 in improvement value.

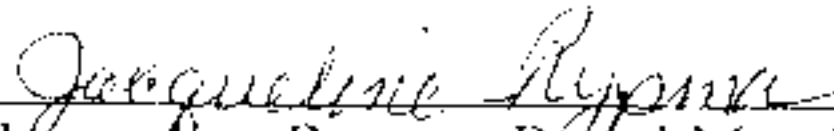
THE APPEAL BOARD ORDERS the assessment of the Kipper property located at 610 2nd Avenue, SE, LeMars, Iowa, as determined by the Plymouth County Board of Review is modified.

The Secretary of the State of Iowa Property Assessment appeal Board shall mail a copy of this Order to the Plymouth County Auditor and all tax records, assessment books and other records pertaining to the assessment referenced herein on the subject parcel shall be corrected accordingly.

Dated this 17 day of April 2012.



Richard Stradley, Presiding Officer


Jacqueline Rypma, Board Member
Karen Oberman, Board Member

Copies to:

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Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>4-17</u> , 2012	
By	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX
	<input checked="" type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier
Signature	